

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE AMN		AFSN/SSAN	
TYPE	GEN	PERSONAL APPEARANCE		X	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No				
	X				
MEMBER SITTING				VOTE OF THE BOARD	
				HON	GEN
				UOTHC	OTHER
					DENY
					X
					X
					X
					X
					X
ISSUES A92.01 A92.03 A94.05		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD	
				1	ORDER APPOINTING THE BOARD
				2	APPLICATION FOR REVIEW OF DISCHARGE
				3	LETTER OF NOTIFICATION
				4	BRIEF OF PERSONNEL FILE
					COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE HE
HEARING DATE 10 May 2007		CASE NUMBER FD-2007-00027			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
<p>Case heard in Washington, D.C.</p> <p>Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>					
INDORSEMENT				DATE: 5/15/2007	
TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 4E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2007-00027

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. He admits the nature of his problems were with alcohol. He has since undergone and completed an alcohol rehabilitation program. The records indicated the applicant received an Article 15, a Vacation and a Letter of Reprimand for misconduct. The applicant received an Article 15 for physically controlling a vehicle while drunk. He was punished with a reduction in grade to Airman, with reduction below Airman First Class suspended, a suspended forfeiture of pay, and 30 days of extra duty. The Vacation action was for driving while drunk which resulted in a reduction in grade to Airman. He was also administratively disciplined for a civilian conviction of driving while drunk. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, awards and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings, the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Travis AFB, CA on 15 Mar 06 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Feb 81. Enlmt Age: 21 4/12. Disch Age: 25 1/12. Educ: HS DIPL. AFQT: N/A. A-65, E-82, G-83, M-72. PAFSC: 3C051 - Communication - Computer Systems Operations Journeyman. DAS: 3 May 03.

b. Prior Sv: (1) AFRes 25 Jun 02 - 25 Nov 02 (5 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted asAB 26 Nov 02 for 6 years. Svd: 03 Yrs 03 Mo 20 Das, all AMS.

b. Grade Status: Amn - 14 Jun 05 (Vacation of Suspension, 17 Nov 05)
A1C - 14 Jun 05 (Article 15, 14 Jun 05)
SrA - 10 May 05
A1C - 10 Jan 03

c. Time Lost: None.

d. Art 15's: (1) 17 Nov 05, Vacation, Travis AFB, CA - Article 111. You did at or near Davis, CA, on or about 15 Oct 05, at or near the intersection of First Street and F Street, physically control a vehicle, to wit: a passenger car, while drunk. Reduction to Amn. (No appeal)
(No mitigation)

(2) 14 Jun 05, Travis AFB, CA - Article 111. You, did, on or about 19 May 05, at the Hospital Gate physically control a vehicle to wit: a white Chevrolet pick-up truck, while drunk. Reduction to Amn, with reduction below A1C suspended. Suspended forfeiture of \$692.00 pay and 30 days extra duty. (No appeal)
(No mitigation)

e. Additional: LOR/UIF, 10 NOV 05 - Civilian Police pulled him over for failure to stop at stop sign and was given a breathalyzer. Test results were over legal limits.

f. CM: None.

g. Record of SV: 26 Nov 02 - 15 Jul 04 Travis AFB 5 (HAF Dir)
16 Jul 04 - 15 Jul 05 Travis AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM, GWOTSM, AFESR W/GB, AFOUA W/1 DEV, MUA,
ICM.

i. Stmt of Sv: TMS: (03) Yrs (08) Mos (21) Das
TAMS: (03) Yrs (03) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 16 Jan 07.
(Change Discharge to Honorable.)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. VA Form 21-22.

13MAR07/day



Department of Veterans Affairs

STATEMENT IN SUPPORT OF CLAIM

PRIVACY ACT INFORMATION: The law authorizes us to request the information we are asking you to provide on this form (38 U.S.C. 501 (a) and (b)). The responses you submit are considered confidential (38 U.S.C. 5701). They may be disclosed outside the Department of Veterans Affairs (VA) only if the disclosure is authorized by the Privacy Act, including the routine uses identified in the VA system of records, 58VA21/22, Compensation, Pension, Education and Rehabilitation Records - VA, published in the Federal Register. The requested information is considered relevant and necessary to determine maximum benefits under the law. Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Clearance Officer (723), 810 Vermont Ave., NW, Washington, DC 20420; and to the Office of Management and Budget Paperwork Reduction Project (2900-0075), Washington, DC 20503. PLEASE DO NOT SEND THIS FORM OR APPLICATIONS FOR BENEFITS TO THESE ADDRESSES.

FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)

SOCIAL SECURITY NO.

VA FILE NO.

SSN

C / CSS -

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:

THIS IS A REQUEST FOR A CHANGE IN MY CHARACTER OF DISCHARGE FROM GENERAL (UNDER HONORABLE CONDITIONS) TO HONORABLE. I BASE MY REQUEST ON MY RECORD AS AN AIR FORCE AIRMAN. MY DD214 REFLECTS MY SERVICE WAS HONORABLE AND BEYOND REPROACH. I RECEIVED MANY AWARDS, ONE OF WHICH WAS THE AIR FORCE GOOD CONDUCT. THE INCIDENTS WHICH HAPPENED AND RESULTED IN MY DISCHARGE UNDER GENERAL CONDITIONS WERE NOT REFLECTIVE OF MY ACTIVE DUTY SERVICE TO MY COUNTRY. I UNDERSTAND NOW THE NATURE OF MY PROBLEM WITH ALCOHOL AND HAVE UNDERGONE AND COMPLETED AN ALCOHOL REHABILITATION PROGRAM IN JANUARY OF 2006. I HAVE BEEN CLEAN SINCE AND BELIEVE I DESERVE ANOTHER CHANCE TO MAKE SOMETHING OF MYSELF AS A CIVILIAN. I APPRECIATE YOUR CONSIDERATION ON MY REQUEST.

(CONTINUE ON REVERSE

CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

DATE SIGNED

16-Jan-06

TELEPHONE NUMBERS (Include Area Code)

DAYTIME

EVENING

SAME

ENALTY: The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.



DEPARTMENT OF THE AIR FORCE
 15TH AIR MOBILITY OPERATIONS SQUADRON (AMC)
 TRAVIS AFB, CALIFORNIA 94535

MAR 7 2006

MEMORANDUM FOR AMN: [REDACTED]

FROM: 15 AMOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General).
2. My reason for this action is:
 - a. On or about 19 May 05, at Travis Air Force Base, you were physically in control of a vehicle, while drunk. For this offense, you received an Article 15, dated 14 Jun 05. Punishment consisted of a reduction to the grade of Airman, with reduction below Airman First Class suspended, forfeiture of \$692.00 pay, suspended, and 30 days extra duty (Atch 1).
 - b. On or about 15 Oct 05, you drove a vehicle, in the City of Davis, California, while under the influence of alcohol and failed to stop at a stop sign. For this offense, you received a Letter of Reprimand (LOR), dated 10 Nov 06 (Atch 2). In addition, the suspended reduction to the grade of Airman imposed under Article 15, dated 14 Jun 05, was vacated on 17 Nov 05 (Atch 3). Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).
3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Military legal counsel at 540 Airlift Drive, Bldg 381, on 7 MAR 06, at 1530 hours. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 10 MAR 06 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
6. You have been scheduled for a medical examination. You must report to David Grant Medical Center, 101 Bodin Circle, on 9 MAR 06, at 0800 hours for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at your Unit Orderly Room.

8. Execute the attached acknowledgment and return it to me immediately.



Commander

Attachments:

1. AF Form 3070, 14 Jun 05
2. LOR, 10 Nov 05
3. AF Form 3070, 17 Nov 05